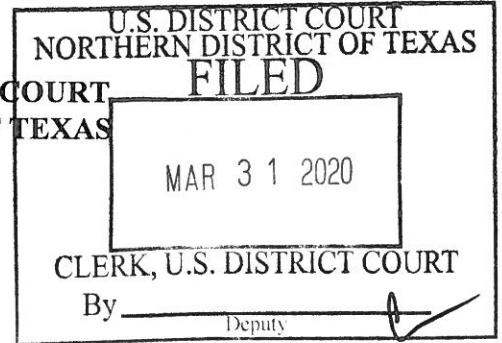


PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS



Rene Solis 18030540

Plaintiff's Name and ID Number

Big Spring Texas Federal Correctional Institution

Place of Confinement

CASE NO. _____
(Clerk will assign the number)

v.

D.S.O. J. Barber 9076

Defendant's Name and Address

8-20 CV-765-E

Wheaton, Deaaron 19002053

Defendant's Name and Address

J. Cox 435

Defendant's Name and Address

(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND IN FORMA PAUPERIS (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? YES X NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: _____ None
 2. Parties to previous lawsuit:

Plaintiff(s) _____	None
Defendant(s) _____	None
 3. Court: (If federal, name the district; if state, name the county.) None
 4. Cause number: _____ None
 5. Name of judge to whom case was assigned: _____ None
 6. Disposition: (Was the case dismissed, appealed, still pending?) None
 7. Approximate date of disposition: _____ None

- II. PLACE OF PRESENT CONFINEMENT: _____
- III. EXHAUSTION OF GRIEVANCE PROCEDURES:
- Have you exhausted all steps of the institutional grievance procedure? x YES NO
- Attach a copy of your final step of the grievance procedure with the response supplied by the institution.
- IV. PARTIES TO THIS SUIT:
- A. Name and address of plaintiff: Rene Solis 57112-177, 1900 Simler Avenue
Big Spring, Texas 79720
- B. Full name of each defendant, his official position, his place of employment, and his full mailing address.
- Defendant #1: D.S.O. J. Barber 9076 - North Tower, Dallas County Jail, P.O. Box
660334, Dallas, Texas 75266-0334
 Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
The negligence of defendant allowed Solis to be assaulted.
- Defendant #2: Deaaron, Wheaton 19002053 - North Tower, Dallas,
County Jail, P.O. Box 660334, Dallas, Texas 75266-0334
 Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
According to disciplinary hearing, Wheaton beat me viciously.
- Defendant #3: Investigator J. Cox 435, North Tower Dallas County Jail, P.O. Box
660334, Dallas, Texas 75266-0334
 Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
This individual refused to answer and allow me to use the grievance
procedures.
- Defendant #4: Sgt. D. Wideman 6570-3rd Watch North Tower, North Tower Dallas
County Jail, P.O. Box 660334, Dallas, Texas 75266-0334
 Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
This defendant's duty is to make sure Barber did his job and to assure the
inmates are all accounted for and secured.
- Defendant #5: Sheriff Marian Brown, 133 N. River-front Blvd. 31, Dallas, Texas
78501
 Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
It is the job of the County Sheriff to assure D.S.O. J. Barber was correctly
trained and to assure the safety of Solis while in the Dallas County's
custody.

The United States Marshal Service is responsible for the safety of inmate Rene Solis and failed to assure Solis' safety by putting Solis in the custody of untrained unprofessional sheriff's Custody, which led to Solis' being assaulted while handcuffed and un-attended. (see case file)

Defendant 6: Unknow

Individual was negligent for not securing inmate Deaaron Wheaton 19002053 who forcibly assaulted Rene Solis inmate 57112-177

Defendant 7: unknow

individual's who were responsible for assuring officer Barber and other officers did their jobs and assured Rene Solis' safety.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

As pointed out in the file included with this Complaint. Rene Solis a federal inmate was handcuffed and left standing out in the hall awaiting his turn to seemedical when high-security inmate deaaron Wheaton attacked Solis. D.S.O. J. Barber 9076 was the officer who handcuffed Solis and went into the medical nurses station and had a conversation with someone else while leaving Solis defenseless and vulnerable. All other officers let Wheaton attack Solis as well.

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I would like the court to hold all parties accountable for their negligence and to award Solis, Rene for Punitive damages 9 million dollars for allowing Solis a tranny to be assaulted, and so it never happens again.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Pedro Rodriguez, Pedro Enrique Rodriguez, Pedro Colung RoRodriguez, Rene Solis, Kenya Colunga Rodriguez

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

FBI #655739FB2/USM #57112-177/#18030540

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES X NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES NO

- C. Has any court ever warned or notified you that sanctions could be imposed? _____ YES X NO
- D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)
1. Court that issued warning (if federal, give the district and division): None
 2. Case number: _____ None
 3. Approximate date warning was issued: _____ None

Executed on: 3/16/2020
DATE

Rene Solis.
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 16th day of March, 20 20.
(Day) (month) (year)

Rene Solis.
(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

The PLRA requires individuals to use the grievance procedure before coming before the Courts unless the individual is denied the ability to do so.

In the immediate case the individual filing this civil suite has been denied the ability to use the grievance Procedures by the Dallas County Jail Officers.

The following is the recognition that the assault occurred as well as the grievance that was accepted and returned un-answered as officers tried to stop Rene Solis from moving forward with the complaint/grievance procedure.

"EXHIBIT A"
Incident Report
and
Investigation Information



Incident Report

Date: 01/13/2019 Time: 16:25:00 Report: N1900538
Inmate Name: RENE SOLIS Location: NORTH TOWER
Race: W Bookin Number: 18030540
Gender: M DOB: 01/12/1972 ID#:
Quarters: Violation: : NONE
Comments: Injured Inmate

Narrative:

On 01/13/2019 at approximately 3:15 p.m. in the hallway outside of the 2 West nurse station, an inmate, later identified by armband as Wheaton, Deaaron #19002053 arrived to the floor as a transfer. As Wheaton walked onto the floor he hit another inmate with a closed fist. Officer back up was called via radio. The other inmate was identified by armband as Solis, Rene #18030540. Solis was handcuffed and waiting his turn for the medical nurse when assaulted. Solis fell to the ground and injured his right shoulder and right wrist due to being hit by Wheaton. Photos were taken and uploaded to the network drive by DSO K. Smith #8979, DSO S. McVay #8693, DSO J. Barber #9076 and I escorted Solis to the 2 West nurse station where he was seen by Registered Nurse (RN) B. Nicoll. B. Nicoll RN determined Solis needed further treatment in the Acute Care Clinic (ACC). A down and out slip was generated. Solis completed an affidavit and it is attached to this report. Solis was escorted by SRT L. Sanders #8072 to ACC where he was seen by Nurse Practitioner (NP) A. Shabbir. A Shabbir NP determined Solis receive further treatment at Parkland Memorial Hospital (PMH). Solis went to PMH via squad at approximately 3:44 p.m. and escorted by DSO T. Efunniga #8575. DSO J. Barber 9076 and DSO J. Whisman #8825 took Wheaton to the ground and placed him in a shoulder lock for handcuffs to be applied. DSO J. Barber #9076 placed handcuffs on Wheaton. Lt. J. Watson #5117, Sgt. D. Widemon #6570 and Sgt. R. Saldibar #7732 arrived to the floor with additional officers. Wheaton continued to be combative and was placed in a restraint chair by SRT J. Mosley #4208, SRT L. Sanders #8072 and SRT J. Hernandez #8962 with A. Felan Licensed Vocational Nurse (LVN) checking the restraints at approximately 3:20 p.m. A restraint log was generated and is attached to this report. The radio room was called and service number 19-005619 was generated. A RMS report was generated and a copy is attached to this report. J. Cox #435 with CID was contacted and well as J. Ludwig #691 with PES.

Sgt. D. Widemon #6570
3RD WATCH NORTH TOWER

DSO J. Potts #8594
3RD WATCH NORTH
TOWER

Supervisor

Reporting Officer

Reviewed / DTO _____ SGT _____ LT _____ CAPT _____ CHIEF _____



Incident Report

Date: 01/13/2019 **Time:** 16:25:00 **Report:** N1900538
Inmate Name: RENE SOLIS **Location:** NORTH TOWER
Race: W **Gender:** M **Bookin Number:** 18030540
Quarters: **DOB:** 04/12/1972 **ID#:**
Comments: Injured Inmate **Violation:** : NONE

Narrative:

On 01/13/2019 at approximately 3:15 p.m. in the hallway outside of the 2 West nurse station, an inmate, later identified by armband as Wheaton, Deaaron #19002053 arrived to the floor as a transfer. As Wheaton walked onto the floor he hit another inmate with a closed fist. Officer back up was called via radio. The other inmate was identified by armband as Solis, Rene #18030540. Solis was handcuffed and waiting his turn for the medical nurse when assaulted. Solis fell to the ground and injured his right shoulder and right wrist due to being hit by Wheaton. Photos were taken and uploaded to the network drive by DSO K. Smith #8979, DSO S. McVay #8693, DSO J. Barber #9076 and I escorted Solis to the 2 West nurse station where he was seen by Registered Nurse (RN) B. Nicoll. B. Nicoll RN determined Solis needed further treatment in the Acute Care Clinic (ACC). A down and out slip was generated. Solis completed an affidavit and it is attached to this report. Solis was escorted by SRT L. Sanders #8072 to ACC where he was seen by Nurse Practitioner (NP) A. Shabbir. A Shabbir NP determined Solis receive further treatment at Parkland Memorial Hospital (PMH). Solis went to PMH via squad at approximately 3:44 p.m. and escorted by DSO T. Efunniga #8575. DSO J. Barber 9076 and DSO J. Whisman #8825 took Wheaton to the ground and placed him in a shoulder lock for handcuffs to be applied. DSO J. Barber #9076 placed handcuffs on Wheaton. Lt. J. Watson #5117, Sgt. D. Widemon #6570 and Sgt. R. Saldibar #7732 arrived to the floor with additional officers. Wheaton continued to be combative and was placed in a restraint chair by SRT J. Mosley #4208, SRT L. Sanders #8072 and SRT J. Hernandez #8962 with A. Felan Licensed Vocational Nurse (LVN) checking the restraints at approximately 3:20 p.m. A restraint log was generated and is attached to this report. The radio room was called and service number 19-005619 was generated. A RMS report was generated and a copy is attached to this report. J. Cox #435 with CID was contacted and well as J. Ludwig #691 with PES.

Sgt. D. Widemon #6570
3RD WATCH NORTH TOWER

DSO J. Potts #8594
3RD WATCH NORTH
TOWER

Supervisor

Reporting Officer

Reviewed / DTO _____ SGT _____ LT _____ CAPT _____ CHIEF _____

Seen by ACC provider on 1/13/19. Per provider note: Per DSOs, he was hand cuffed and other inmate suddenly came and punched at his face and hit him on the floor. Patient denies LOC but complains of pain at R shoulder and swelling with pain at R wrist. Was given pain meds and sent to PMH. At PMH x-rays were negative for fracture and dislocation. Patient returned with minimal pain at right shoulder and wrist.

	<p>Patient Name: Solis, Rene Book- in Number: 18030540 Date of birth: Age: 46 Race: White Sex: Male Jail Tower: WT Tank: 2P03 AIS Number: 5022533 Date: 1/28/19</p>
<p>Complaint: X Medical Psychiatric Concern: Good morning,</p> <p>The USMS was notified that Rene SOLIS (USM # 57112-177/BIN: 18030540) was involved in an altercation that subsequently resulted in him being transported to Parkland medical.</p> <p>Can I get some information on the incident?</p> <p>As a reminder, the USMS is supposed to be notified when USMS inmates are involved in altercations and/or sent to medical.</p> <p>Respectfully,</p> <p>Ray Venegas (A) Supervisory Deputy United States Marshal United States Marshals Service Northern District of Texas – Dallas Division</p>	

<div style="border: 1px solid black; width: 100%; height: 100%;"></div>				
KITES Medical Psychiatric None Number of KITES submitted-				
Date Written	Date of response	Response		
		Nursing Protocol Initiated – Provider Visit Requested- Date of Provider Visit: Provider Visit Requested - <input type="radio"/> Refused		
		<input type="radio"/> Nursing Protocol Initiated- <input type="radio"/> Provider Visit Requested- <input type="radio"/> Date of Provider Visit : <input type="radio"/> Refused		
		<input type="radio"/> Nursing Protocol Initiated- <input type="radio"/> Provider Visit Requested Date of Provider Visit : <input type="radio"/> Refused		
		<input type="radio"/> Nursing Protocol Initiated <input type="radio"/> Provider Visit Requested <input type="radio"/> Date of Provider Visit : <input type="radio"/> Refused		
		<input type="radio"/> Nursing Protocol Initiated <input type="radio"/> Provider Visit Requested <input type="radio"/> Date of Provider Visit : <input type="radio"/> Refused		
Provider Visit x Medical Psychiatric Dental Refused Date of Refusal:				
Date Seen	Specialty Clinic Referral	Medications Ordered	Meds Delivered	Follow-up
1/13/19	X Yes No	X Yes No	X Yes No	X Yes No 1/30/19

Identifying Data:

Date of Birth: April 12, 1972
Alias Date of Birth: February 18, 1969
February 18, 1970
April 12, 1975
February 8, 1979
November 23, 1980
Age: 47
Race: White
Hispanic Origin: Hispanic origin
Sex: Male (transgender)

SSN#: 534-32-4525
Alias SSN#: 460-61-5266
FBI#: 655739FB2
Driver License#: None
USM#: 57112-177
State ID#: TX05970686
ICE#: None
PACTS#: 4770453

Education: Some college (unverified)
Dependents: None
Citizenship: United States (unverified)
Immigration Status: Unknown
Place of Birth: Laredo, Texas (unverified)

Legal Address: Dallas County Jail
111 West Commerce Street
Dallas, Texas 75208

Residence Address: Dallas County Jail
111 West Commerce Street
Dallas, Texas 75208

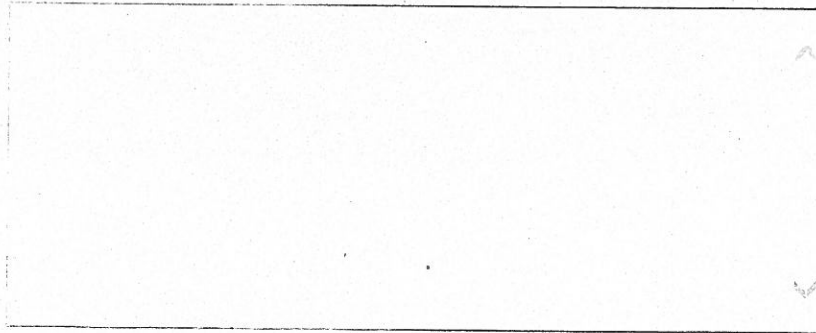
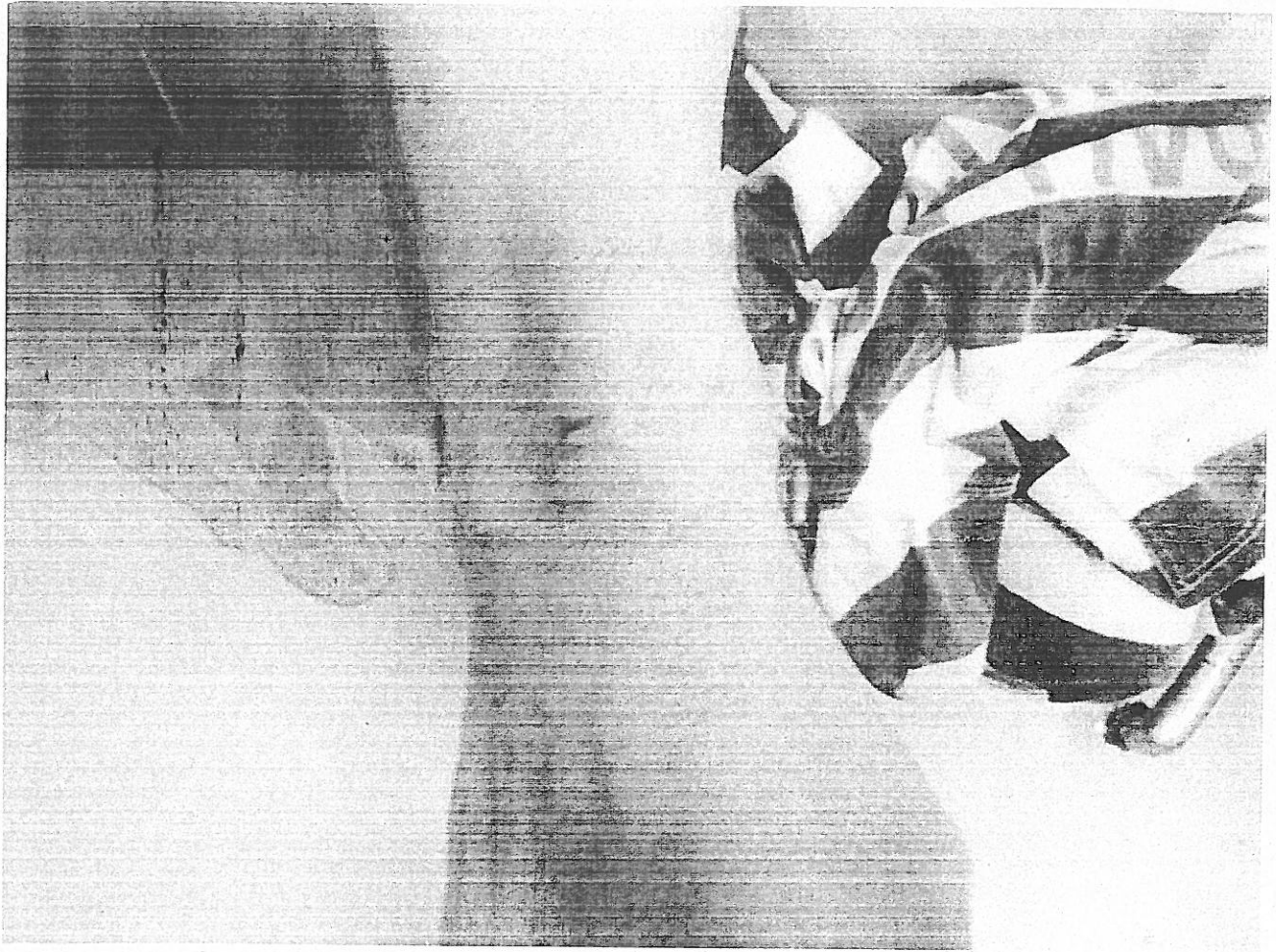
Aliases: Noe Ovalle, Pedro Rodriguez, Pedro E. Rodriguez, Pedro Enrique Rodriguez, Pedro Enrique Colung Rodriguez, Renee Solis, Kenya Colunga Rodriguez, Enrique Ramirez

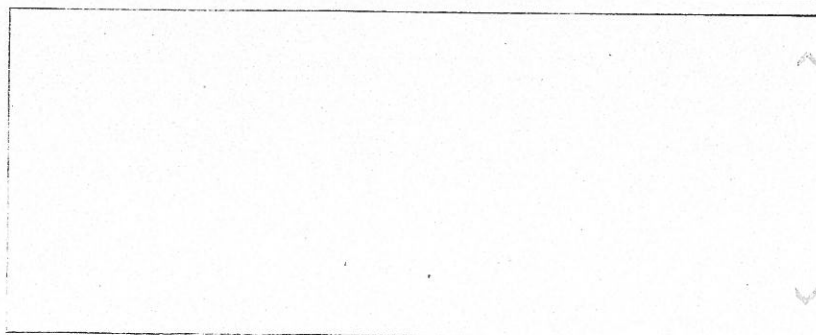
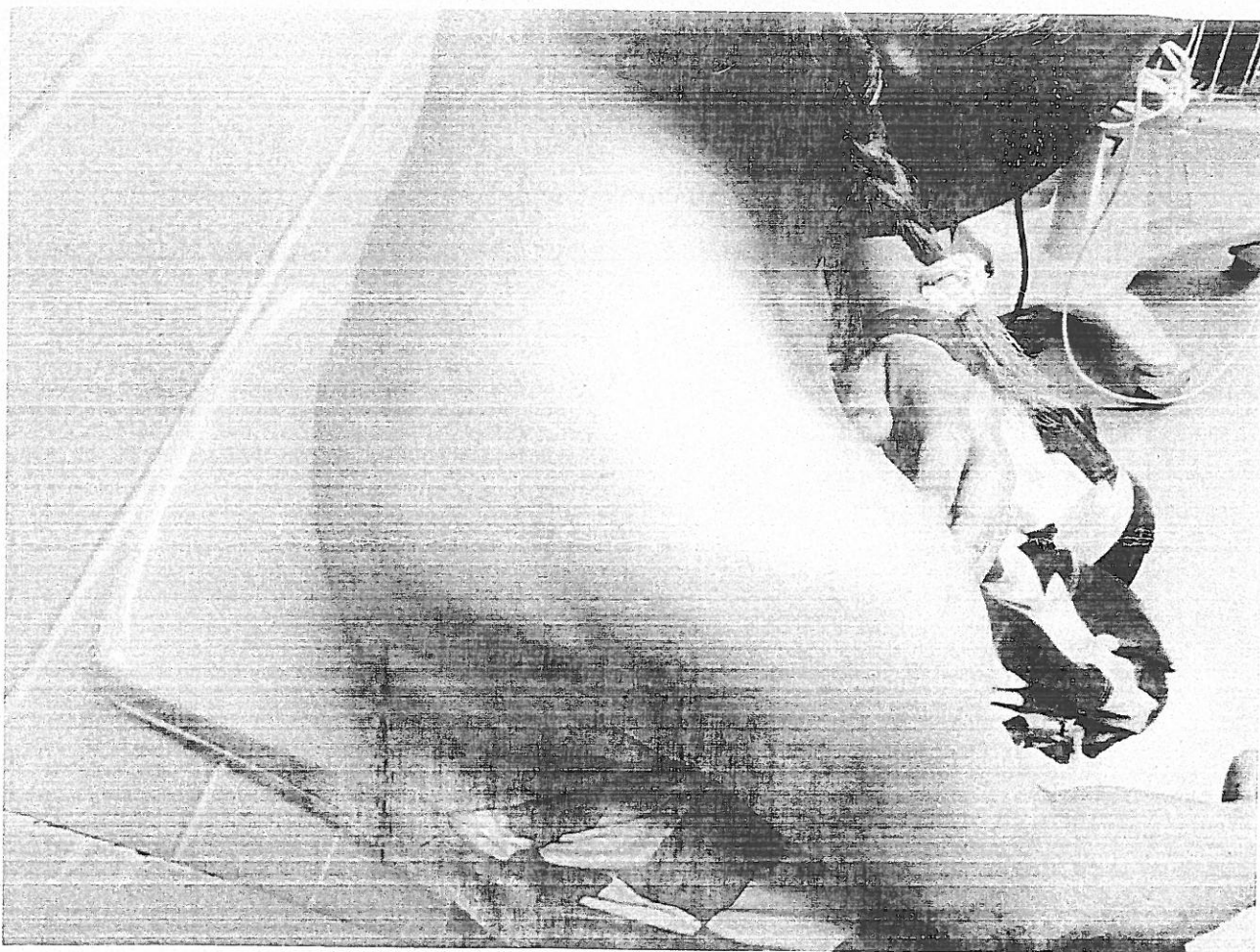
Alternate IDs: Tattoo: Left leg - "Josue"
Other Identifiers: Left eye - mole
Eyes: Brown, Hair: Black, Height: 5 feet, 8 inches, Weight: 180 pounds



Restrictions on Use and Redisclosure of Presentence Investigation Report. Disclosure of this presentence investigation report to the Federal Bureau of Prisons and redisclosure by the Bureau of Prisons is authorized by the United States District Court solely to assist administering the offender's prison sentence (i.e., classification, designation, programming, sentence calculation, pre-release planning, escape apprehension, prison disturbance response, sentence commutation, or pardon) and other limited purposes, including deportation proceedings and federal investigations directly related to terrorist activities. If this presentence investigation report is redisclosed by the Federal Bureau of Prisons upon completion of its sentence administration function, the report must be returned to the Federal Bureau of Prisons or destroyed. It is the policy of the Federal judiciary and the Department of Justice that further redisclosure of the presentence investigation report is prohibited without the consent of the sentencing judge.







"EXHIBIT B"
PLRA Attempt and
Denial of Grievance Process.

Dallas County Sheriff's Department

Inmate Grievance Committee

To: SOLIS , RENE

Book - in # 18030540

Current Assignment WT 2P03

Regarding Grievance 190077

Filed on 1/24/2019

Your Grievance has been received and will be investigated to determine if:

- a) It is a violation of your civil rights;**
- b) It is a criminal act;**
- c) It is an abridgement of an inmate privilege;**
- d) It is a prohibited act committed by a staff member**

Response Date 1/24/2019

Your Grievance Committee

Inmate Grievance Complaint Form

Inmate Housing Bureau

From: Full Inmate Name Rene Solis Full Book-In # 18030540
 Current Tank: West 2-P-3 Tank Where Incident Occurred North Tower 2nd Floor Medical
 Date of Incident: 6-2-13-2019 Time of Incident: ? AM/PM Today's Date: 4-21-2019
 Name of Staff Complained on (if any) Unknown

Statement

Please print or write legibly, include all dates, times and names of persons involved, including the names of witnesses if necessary. Please hand completed grievance to any Deputy, Floor Officer or any Staff Member.

I am filing this grievance in relation to my previous grievance which to this date has not been resolved and for which I have received no notification of a Time Extension. The previous grievance is in relation to the assault and injuries I suffered while in handcuffs in a secure area at the hands of an unhandcuffed inmate. Furthermore to date I have not received the perpetrators name nor the officer(s) who failed to place him in handcuffs and escort him. I have requested these items when I was called to the grievance officers room for questioning. Please inform me of the status of the grievance.

Do not write below this line, write on back if necessary to complete complaint

Do not write in this block, office use only

Received By Officer: X _____	Received By Supervisor: X _____	Received By Medical Staff/Grievance Officer: X _____
Printed Name and Date: X _____	Printed Name and Date: X _____	Printed Name and Date: X _____
Signature/Date	Signature/date	Signature/Date

Is this a Medical Grievance? Yes or No

File/Attorney

(See Reverse)

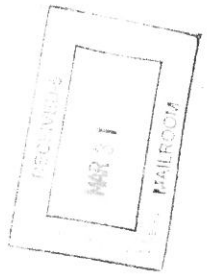
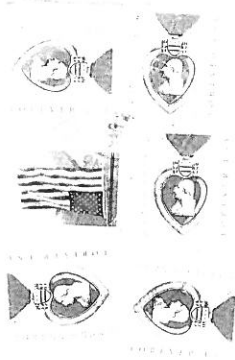
yo rene solis el dia 15 de enero, 2019 alas 3.00 fui llamado para recibir mi insulina el oficial barber llego a mi celda para trasladarme ala enfermeria para recibir mi insulina. me pidio las manos para ponerme las esposas despues de ponerme las nos dirigimos asia la enfermeria al llegar ala enfermeria me pidio que esperara afuera asta que estubiera lista la enfermera para atenderme pero a lado de mi a una distancia se encontraban oficiales con otro reo pero de repente oi un ruido y al boltcar lo unico que vi fue a este reo enfrente de mi diciendo estúpido maricon y golpeandome en la cara. Cayendo al suelo con todo mi peso sobre mi lado derecho de mi cuerpo y lastimando mis muñecas, brazo y mi cintura y pierna me levantaron dos oficiales del suelo y me pusieron

adentro de la enfermería. yo tenía mucho dolor en mis muñecas, cintura, Pierna, brazo del lado derecho mi brazo me dolía mucho ya que en ese brazo unos meses atrás me habían puesto un ~~estamp~~ ya que había tenido un infarto unos meses atrás.

att Rene Solis:

#57112-177

Rene Dolis
Big Spring Federal Correctional Institution
1900 Dimlar Avenue
Big Spring, Tx 79720



U.S. District Court
Office of the Clerk
1100 Commerce St. Room 1452
Dallas, Tx 75242

